

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 21-27 which were pending in the application, the Examiner rejected claims 21 and 23-27. Applicants appreciate the allowance of claim 22. By way of this amendment, Applicants have amended claim 26. In addition, Applicants have also added new claims 28-33.

1. Comments Regarding Information Disclosure Statements

a. Information Disclosure Statements: 11/2/2000 and 1/14/04

Applicants appreciate the indication (*i.e.*, Examiner initials) that the Examiner has considered each of the references listed in the Information Disclosure Statements filed on August 21, 2003 ("IDS II") and October 29, 2003 ("IDS III"). However, Applicants note that the Examiner has not initialed the references listed in the Information Disclosure Statement ("IDS I") filed with the application on November 2, 2000 (each of which was further explained in the Amendment filed on October 29, 2003). Accordingly, Applicants respectfully request that the Examiner return an initialed copy of the form PTO-1449 filed with IDS I.

Applicants note that the Information Disclosure Statement filed on January 14, 2004 ("IDS IV") "crossed-in-the-mail" with the Office Action mailed January 12, 2004. As the present Office Action is a non-final Office Action, IDS IV, as submitted, fully complies with 37 C.F.R. § 1.97(c) and, therefore, the references should be considered without any further action on the part of the Applicants. Accordingly, Applicants assume that the references cited in IDS IV will be initialed in the next paper issued by the Examiner.

2. Rejection of Claims 21 and 23-27

The Examiner rejected claims 21 and 23-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,349,947 ("Newhouse"). For the following reasons, Applicants respectfully traverse each of these rejections.

a. Claims 21, 23, and 24

Claim 21 recites a blister pack for an inhalant medicator which includes, among other things (*italic emphasis added*):

- a base panel having a blistered portion;
- a lid panel affixed onto an obverse of the base panel to define a medical powder storage chamber by hermetically covering the blistered portion of the base panel;
- the blistered portion comprising:

- (a) a pair of substantially hemispherical convex portions in which *inflow and outflow holes are pricked* during a preliminary operation of inhalant medication; and
- (b) a flow-constriction portion formed between the substantially hemispherical convex portions to define a flow-constriction orifice passage.

The italicized feature is exemplified in Figure 10 which shows inflow holes H1 and outflow holes H2. For the following reasons, Newhouse fails to teach or suggest this feature.

Newhouse fails to teach or suggest an inhalant medicator configured to prick both an inflow and an outflow holes. Rather, Newhouse teaches compression of a blister 76 such that it explodes at one end thereof through an apex (also called an “orifice”) 44 toward a lower depression 42 of an anvil 38. *See, e.g.,* col. 8, lines 29-33, col. 10, lines 29-31, 50-52. The expelled medication powder mixes with air 84 which enters the inhaler 20 at a completely different location. *See* Figs. 1, 4; col. 8, lines 45-48. Accordingly, assuming, *arguendo*, that the apex 44 is analogized to the recited pricked outflow hole, Newhouse fails to teach or suggest anything analogous to the pricked inflow hole recited in claim 21.

As Newhouse fails to teach or suggest each limitation of claim 21, it can not be used to reject the claim, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 23 and 24 depend from claim 21, each of these dependent claims is also allowable over Newhouse, without regard to the other patentable limitations recited therein. For at least the aforementioned reasons, Applicants earnestly solicit a withdrawal of the rejection of claims 21, 23, and 24.

b. Claim 25

Claim 25 recites a blister pack for an inhalant medicator which includes, among other things (italic emphasis added):

- a base panel having a blistered portion;
- a lid panel affixed onto an obverse of the base panel to define a medical powder storage chamber by hermetically covering the blistered portion of the base panel;
- the blistered portion comprising:
 - (a) a pair of shallow portions in which *inflow and outflow holes are pricked* during a preliminary operation of inhalant medication; and
 - (b) a medical powder collecting portion deeply recessed between the shallow portions to pre-store medical powder therein.

The italicized feature is exemplified in Figure 10 which shows inflow holes H1 and outflow holes H2. For the following reasons, Newhouse fails to teach or suggest this feature.

As previously discussed, Newhouse fails to teach or suggest a blister pack in which both inflow and outflow holes are pricked. Rather, Newhouse merely teaches creating an outflow hole by compressing the blister 76. Accordingly, the same arguments previously set forth with respect to claim 21 are equally applicable to claim 25. For at least this reason, as Newhouse fails to teach or suggest each limitation of claim 25, the rejection thereof under 35 U.S.C. § 102(b) should be withdrawn.

c. Claims 26 and 27

Claims 26 and 27 both recite a blister pack for an inhalant medicator which include, among other things, (*italic emphasis added*):

- a base panel having a blistered portion in which *inflow and outflow holes are pricked* during a preliminary operation of inhalant medication;
- a lid panel affixed onto an obverse of the base panel to define a medical powder storage chamber by hermetically covering the blistered portion of the base panel[.]

In claim 26, the blister portion comprises: “an asymmetrical sloped surface which defines a shallow portion at a side of the inflow hole and defines a deep portion at a side of the outflow hole.” In contrast, in claim 27, the blister portion comprises: “an asymmetrical sloped surface which defines a shallow portion at a side of the outflow hole and defines a deep portion at a side of the inflow hole.” In either case, for the following reasons Newhouse fails to teach or suggest such an inhalant medicator.

As previously discussed, Newhouse fails to teach or suggest a blister pack in which both inflow and outflow holes are pricked. Rather, Newhouse merely teaches creating an outflow hole by compressing the blister 76. Accordingly, the same arguments previously set forth with respect to claims 21 and 25 are equally applicable to claims 26 and 27. For at least this reason, as Newhouse fails to teach or suggest each limitation of claims 26 and 27, the rejections thereof under 35 U.S.C. § 102(b) should be withdrawn.

3. New Claims 28-37

New dependent claims 28-31 further define the spaced-apart relationship of the inflow and outflow holes H1, H2 in the blistered portion, as for example, clearly shown in Figure 10 of the instant application. In addition, new claims 32-37 recite a lid panel in which inflow and outflow holes are pricked and spaced apart from each other by a predetermined distance during a preliminary operation of inhalant medication; no known prior art shows such recited features.

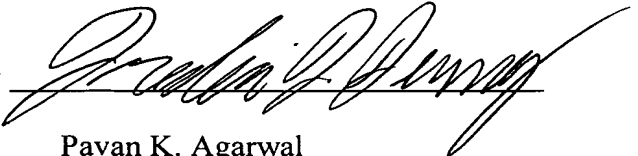
As a result of the foregoing, each of the new claims 28-37 is also allowable.

CONCLUSION

For the aforementioned reasons, claims 21-37 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date APR 07 2004

By 

Customer Number: 22428
FOLEY & LARDNER LLP
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5143

Pavan K. Agarwal
Registration No. 40,888

Frederic T. Tenney
Registration No. 47,131

Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Attorneys for Applicants

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.